

**RUMSON PLANNING BOARD
REGULAR MEETING
MARCH 5, 2007
MINUTES**

Chairman Parton called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. The requirements of the Open Public Meetings Act were stated as met. The roll was called, with the following members present: Parton, Rubin, Casazza, York, Ekdahl, Shanley, Emery, Vaughan. Also present: Bonnie Heard (T&M Assoc.), Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Karen St. George (State Shorthand).

Approval of Minutes

Mr. York moved to approve the minutes from the February meeting, and Mr. Casazza seconded. Voice Vote: Ayes, unanimous.

Chairman Parton read a letter from Mr. Emery, submitting his resignation as Vice Chairman of the Planning Board. He will still be able to fulfill the functions as a regular member, and he would like to continue in that capacity. Mr. Shanley moved to accept the request, with regret, and Mayor Ekdahl seconded.

Roll Call Vote: Ayes – Parton, Rubin, Casazza, York, Ekdahl, Shanley, Vaughan
Nays – None

Motion carried.

Mr. Vaughan moved to appoint Mr. Shanley as the new Vice Chairman of the Planning Board to replace Mr. Emery, and Councilman Rubin seconded.

Roll Call Vote: Ayes – Parton, Rubin, Casazza, York, Ekdahl, Vaughan, Emery
Nays – None

Motion carried.

Resolutions

1. **Rumson Country Club, 163 Rumson Road** – Councilman Rubin moved to adopt the resolution approving the minor site plan for a 730 sq. ft. trap shooting shed, and Mr. Casazza seconded.

Roll Call Vote: Ayes (Eligible) – Parton, Rubin, York, Casazza
Nays – none

Motion carried.

2. **Parent Subdivision, 16 Ridge Road** – Mr. Shanley moved to adopt the resolution rescinding the approval of a three-lot minor subdivision with variances, previously adopted February 7, 2005. Mayor Ekdahl seconded.

Roll Call Vote: Ayes (Eligible) – Parton, Rubin, Ekdahl, Shanley, Emery
Nays – None

Motion carried.

Ordinance Review Committee Meetings

Chairman Parton announced that the following members would be members of this committee: Shanley, Rubin, and Parton, along with Fred Andre, Zoning Officer. March 21st was suggested as the meeting date; however, Mrs. Parton will not be able to attend, and Mr. Shanley will oversee the meeting.

Broadmoor Realty Associates, LLC – Mr. Steib stated that the applicant has provided proof of notices, and the Board has jurisdiction. They initially requested another extension of the time period for their

major subdivision approval received March, 2004. They have now requested that language be revisited from the resolution, based on DEP approvals. Their notice was broad enough to include this request, according to Mr. Steib; however, this portion of the hearing will be carried to the next meeting, or resolved administratively.

John Giunco, attorney, appeared on behalf of the applicants and stated that the plans have been approved by T&M Assoc., the deeds have been recorded, and everything stands ready for final approval. Their protection period is expiring, and they are entitled to one additional year, due to ongoing litigation. He explained that they are requesting review of the DEP language with regard to the bulkhead. He noted that this would only change the height of the bulkhead and not any potential grading. He thinks it is clear that the Board wants to follow the DEP plan, and he does not think this is clear in the approved resolution. He hoped this would not take another month to consider. This only applies to the portion of the bulkhead around the house.

Mr. Steib advised that they still do not have a decision from Judge Lawson on the recent trial. He stated that because of legal action, the application is allowed to request additional extensions of the time period. He reviewed the extension granted last year at this time (March 20). There was an appeal in June, and the legal action is still ongoing.

Mr. Giunco stated that his client is prepared to go forward, once the matter of the DEP requirement is resolved. All fees, taxes, and bonds have been paid and all deeds recorded. He stated that the only action still open is the number they are required to provide for the height of the bulkhead.

Mr. Emery moved to grant the extension request, and Mr. Vaughan seconded.

Roll Call Vote: Ayes – Parton, Rubin, Ekdahl, Emery, Shanley, York, Casazza, Vaughan
Nays – None

Motion carried.

Mr. Giunco would also like them to consider the matter of requiring the applicant to state the members of the objector's group. He noted that the issue with the objectors is that they do not want a house built on this property. Mr. Steib does not think this is an issue that the Board needs to address at this time.

Sea Bright Lawn Tennis & Cricket Club, 5 Tennis Court Lane

Arthur Sorenson, attorney, appeared on behalf of the applicants and their request to raze the existing single-family residence on the site and build a new single-family residence in the same approximate location.

Ms. Heard reported on the many incomplete issues with this application. Mr. Steib stated that the notice is in order, and the Board has jurisdiction. Four exhibits were received:

- A-1 – Application
- A-2 – Plot plan for Lot 2, Block 1.04, dated 2/16/07
- A-3 – Architect's elevation and floor plan, dated 2/20/07
- A-4 – Report from T&M Assoc. dated 2/28/07

Ms. Heard stated that the application is to rebuild the caretaker's cottage, and the area to be disturbed is only a small portion of the site. It is large enough to qualify for a major site plan, although many of the items are not necessary and could be waived, except for the following items that she thinks should be provided:

- Signature blocks should be provided;
- Missing information for the school should be provided;
- Current survey should be provided for the final plan and file;
- Location of existing structures within 200' could be provided via an aerial map;
- Information on existing or proposed easements;
- List of property owners within 200' could be added as a condition of approval;
- List of variances and design waivers should be provided;
- Parking plan, solid waste plan, grading, and utility plans all are minimally involved; however if any of these do become involved, information should be provided;
- List of Federal and municipal permits should be provided;
- Copies of existing deeds and easements should be confirmed;
- Performance guaranty and disclosure statement could be conditions of approval.

Mr. Sorenson responded that the only easement he is aware of is the Tennis Court Lane area, which is an old sewer easement. The list of variances were a part of the site plan application and were approved two years ago when they constructed another building and equipment washing pad on the site. The application for the new maintenance building incorporated the easement for the setback of this building. The other existing building for the grounds keeper was built before there was zoning and has been used continuously for this purpose since that time.

Chairman Parton asked about the landscaping, buffering, lighting, and waste removal. Mr. Sorenson stated that the plan is to tear down the existing residence and build a new residence, due to a problem with mold. There is no plan for any lighting. The existing landscaping around the tennis club area is very attractive, and when the house is completed it will include attractive landscaping. There will be new landscaping for the foundation planting. There is a line of trees on the east side of the house, which is next to the church property. If the church wants additional buffer, they are willing to do this. Mr. Sorenson stated there are buildings within 200' of the building, including the church and another new home. All neighbors within 200' were notified of this application.

Mr. Vaughan questioned the estimate of building costs at \$200,000, based on the increased square footage of the new building. Mr. Fred Elliott, 5 Robin Road, was sworn in and stated he was contacted by the tennis club to give estimates on the cost of the plan. He confirmed their estimate of approximately \$200,000. He would be managing the project, but he would not be the builder, although he does have much building experience on the entire east coast, include 15 homes in Rumson. He noted that the home is for the caretaker and is in keeping with the tennis club look. The proposed design will allow them to keep their costs down. It will be an attractive home with plenty of buffering.

Councilman Rubin moved to grant the completeness waivers, subject to the applicant providing the items required in the statement from T&M Assoc. Mr. Shanley seconded.

Roll Call Vote: Ayes – Parton, Rubin, Ekdahl, Emery, Shanley, York, Casazza, Vaughan

Nays – None

Motion carried.

Mr. Sorenson stated that this is considered an accessory structure because it is part of the tennis club. His notice stated they would be applying for all waivers and variances as requested by the Board. A buffer design waiver does exceed 25' wide and is suitably landscaped. It was noted that if more information is requested, once the items are provided, they would need to come back before the Board.

Councilman Rubin moved to deem the application complete, subject to the conditions stated, so that the application can be heard this evening. Mr. Emery seconded.

Roll Call Vote: Ayes – Parton, Rubin, Ekdahl, Emery, Shanley, York, Casazza, Vaughan
Nays – None

Motion carried.

Mr. Sorenson explained that the existing building has been used as a groundskeeper's house since the early 1960's. Central a/c was incorrectly installed 10 years ago, which caused a severe mold condition, and the house now needs to be torn down. The existing house is 1.7' from the property line on one side and 5' from the other side. The proposed building would be 15' back from both property lines, which meets the requirements for accessory structures. The new building will look much nicer than the existing building. The driveway access would remain the same. There would be no change to the tennis club. Mr. Sorenson explained that it is important for the tennis club to have a groundskeeper on premises for security purposes.

Ms. Heard clarified that the ordinance requires that they comply with the principal building setback requirement because of the size of the building, so a variance would still be required for this (based on the ordinance passed in 2005). Mr. Sorenson again noted they have variances for the 1.7' and 5' side yards for the existing residence. He realizes they are starting from scratch, but he thinks those variances should be considered in light of the proposed and existing setbacks.

Ms. Heard listed several variances that would also be required:

- Maximum percentage of accessory buildings on the site. In the past, they had 72%, and they are now up to 75% of the principal structure;
- Because the accessory structure has a second floor area that is more than one half of the ground floor, this would also require a variance;
- Accessory structure used as a residence;
- Height;
- Design waiver for the buffer.

Chairman Parton commented that their moving the building farther from the sidelines is an improvement.

The height, currently at 32', is proposed to be raised to 35' from the existing grade. They have spoken to the people from the church, but not the other neighbor affected by the application. All parties have been served notice.

Mr. Elliott described the building, noting they are not proposing a basement. They are proposing a 4' crawl space for mechanicals. The house is in keeping with the club and with Rumson, and is a "no frills" design. The drainage from the parking lot drains toward this structure, which is why they need to raise the building and prevent the growth of mold. There will be a sump pump in the crawl to drain into a dry well. This area is not affected by the water from the club.

The existing house has three bedrooms upstairs and two downstairs. The existing structure has 1,410 sq. ft., and they propose 1,660 sq. ft. for the new structure. There is a large front porch on the front of the house, and the new house is almost the same size as the existing house.

Ms. Heard stated that all the trees should be located on the plan, and Mr. Sorenson stated this could be provided, although no trees will be removed with this construction.

Father Michael Manning from Holy Cross Church asked about the accessory residential use and the setbacks. Chairman Parton noted that the main building is usually the residence; however, in this case the accessory building is a residential use as it currently exists, and would get treated as an accessory building as far as setbacks, height, etc. Variances would be needed for all these issues.

Father Manning also questioned the density involved and what would be allowed in the areas not used for tennis. Ms. Heard explained that on a lot this size, the maximum lot coverage is 55,269 sq. ft., and 1.25 acres of the site can be impervious surfaces.

Father Manning asked about the required setbacks, and Ms. Heard explained that, based on the size, setbacks would be required at 15' and 15'.

Chairman Parton noted that there is a structure there now, and the Board would need to decide if they wanted to allow them to improve the situation, rather than ask them to replace the existing structure.

Father Manning asked about the landscape plan, and Mr. Sorenson stated they will provide plantings to help with the drainage and listen to any input from the church. He acknowledged that the church is the property that would be the most affected by this building. He mentioned a line of arborvitae that currently exists on the church side, and they could double up in this area, if requested.

Kenneth Murphy, Vice President of the tennis club and a member of the building committee, responded to Father Manning's questions, noting that they would be happy to put in additional trees along the setback area. He confirmed earlier statements that the existing building has a very bad mold problem. They want to provide a better place for their groundskeeper to live with his children. The current house is not attractive, and they want to provide a nicer house that would be more in keeping with the club and surrounding area. Fixing the current house would not make it look better, and it would still be only 1' off the property line.

There were no other questions or comments from the public.

Mr. Vaughan commented that he is in favor of the project. He thinks they should look at this on its merits and the improvements he thinks it will provide. He would advise the club to make it look like a quality design. He noted that there are not a lot of major concerns. He thinks they should show the church the landscape plan, so that they can feel they are being treated fairly.

Father Manning was sworn in at this time and stated that the church has no objection to the tennis club building a home on the property, but they think it is too close to their property. In recent years, they were asked to change the time of some of their operations, so they would not interfere with the resident's use of this home. He stated they shifted the access to their new gym, because the club felt it was too close to their property. They also were required to place a 25' barrier along Rumson Road to the residence. Having the house where it is has cost the church a substantial amount of money and aggravation. He thinks this is a perfect opportunity to put the house where it belongs with the proper setbacks. He does not think other sites have been considered on the lot and alternatives could be provided. The church is trying to prevent future demands of the club and the residence on their church operations. He thinks some relief could be afforded to the church for the requirements they were ask to provide with their recent building application.

Ms. Heard stated this Board could not waive any requirements set forth by the Zoning Board, and that question would need to go before that Board. The 25' barrier they were made to provide is the major contention.

Chairman Parton explained that the church is subject to the regulations as to sidelines for bleachers, etc.

Ms. Heard commented on the floor area of the new house. The required setbacks are for a principal structure, and if the building had less than 1,400 sq. ft. of floor area, the setbacks required would be 15'/15'.

Chairman Parton thinks the matter should be carried to the next meeting to allow some missing details to be provided. She asked the Board for their comments.

Councilman Rubin asked Mr. Sorenson if they were aware that the variances would be different if they reduced the square footage slightly, and Mr. Sorenson stated they were not, but they would be willing to look at this.

Mayor Ekdahl thinks the landscape presentation should be provided before the next meeting to allow Holy Cross to look at it and make comments.

Chairman Parton asked if it would be possible to move the house farther from the property line, and Mr. Sorenson stated it might be possible to move it 5' farther to the west, away from the church.

Mr. Shanley thinks a cooperative effort could be achieved between the two parties regarding the requested buffer from Rumson Road to the back property line.

Mr. York agrees that a landscape plan should be provided before the next meeting.

Mr. Casazza thinks the application should be completed and agrees that the matter should be carried. He thinks good communication could be achieved in this case, enabling them to come back with suggestions next month.

Mr. Vaughan thinks each plan should stand on its own merit. He agrees that the people should be able to work together on this matter. He asked about other options for placing the house on the lot. Mr. Sorenson stated any other location would cause them to run into the tennis courts.

Mayor Ekdahl thinks the club could have just refurbished the building, which would not have provided any relief from the close setbacks currently existing. He thinks the 15' setback is an improvement, but he also thinks they could reduce the size of the house and possibly eliminate the variances.

The matter will be carried to the next meeting, and they will provide more complete plans, including a landscaping plan.

(Mr. Emery left the meeting at this time – 9:00 p.m.).

Mr. Sorenson stated they do have an option of fixing the existing house in a substantial way, although he thinks the Board feels replacing the house is a positive action and better for the town.

Mayor Ekdahl would like to see the proposal with no variances required.

Mr. York moved to continue the application the April 9th meeting with no further notice required. Councilman Rubin seconded.

Roll Call Vote: Ayes – Parton, Rubin, Ekdahl, Shanley, York, Casazza, Vaughan
Nays – None

Motion carried.

Other Business

Chairman Parton reported that a letter was received from Michelle Donato regarding changing the Master Plan. Mr. Steib will respond to this letter.

Coastal Monmouth Regional Collaborative

Ms. Heard reported that a draft plan was introduced on March 1st, and a meeting to review this will take place on March 15th.

COAH

Mr. Steib reported that nothing new has occurred. Instruction was received from the appeals court that they must revise their rules, and towns would be protected during this time. The state will be rethinking the whole concept as it applies to home rule in municipalities, and they expect everyone to be hit with a greater obligation.

Required Courses for Zoning and Planning Board Members

Mr. Steib advised that they are still waiting to hear about the program, which will not be required until next January. Mr. Casazza reported that Brookdale Community College has a course, and he is considering attending this, since he is a new member and feels this would help him.

At this time, 9:12 p.m., the Board moved into executive session. At the end of this session, 9:17 p.m., and there being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 9:17 p.m.

The next meeting will be **April 9, 2007.**

Respectfully submitted,

Patricia Murphy